REMARKS

Reconsideration and allowance of the above-identified application are respectfully requested. Claims 3-14 are pending, wherein claims 1 and 2 have been canceled, and claims 3 and 5-7 have been amended.

Applicant appreciates the Examiner's acknowledgement of Applicant's claim for foreign priority. However, the Office Action summary indicates that the certified copies of the priority documents have been received in this National Stage Application from the International Bureau. Applicant submitted a certified copy of the priority document along with the filing of this application. Additionally, this application is not a National Stage Application of an International Application. For the Examiner's convenience, enclosed please find a date-stamped postcard indicating receipt of the certified copy of the priority document by the United States Patent and Trademark Office on October 9, 2003.

Accordingly, Applicant respectfully requests that the next Office Action indicate that the priority document has been received from the Applicant.

The first paragraph of the Office Action indicates that the Information Disclosure Statement filed on October 9, 2003 fails to comply with 37 CFR § 1.98(a)(3) because it does not include a concise explanation of relevance of each patent listed that is not in the English. In particular, the Office Action states that documents AF-AM have not been considered because the Information

Disclosure Statement fails to include a concise explanation of relevance of the documents and that it is noted that the search report is not in the English language. Applicant respectfully submits that a concise explanation of relevance for documents AF-AM has been submitted.

MPEP § 609 sets forth the requirements for an Information Disclosure Statement. On page 600-129 of the revision 2, May 2004 edition, the MPEP states that

> the requirement for a concise explanation of relevance can be satisfied by submitting an English-language version of the search report or action which indicates the degree of relevance found by the foreign Patent Office. This may be an explanation of which portion of the reference is particularly relevant, to which claims it applies, or merely an "X", "Y", or "A" indication on a search report.

Attached please find a copy of a translation of the relevant portions of the German language search report which cited documents AF through AM. Applicant downloaded the translated portions of the search report from the USPTO's image file wrapper of this application, and hence, it is believed that this translation is already part of the application. Because this translation satisfies the above-quoted portion of the MPEP, it is respectfully submitted that Applicant has satisfied the concise explanation of relevance requirement for Information Disclosure Statements citing documents which are not in the English language. For the Examiner's convenience, another copy of the form

PTO-1449 which was submitted with the Information Disclosure Statement filed on October 9, 2003, is attached. Applicant respectfully requests that the Examiner consider the documents cited therein which were not considered in the current Office Action and return an Examiner-initialed copy of the attached form for Applicant's files.

Claim 5 is rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the Office Action states that an element of claim 5 lacks antecedent basis, and that claim 5 should depend from claim 4 to provide the antecedent basis. Claim 5 has been amended to depend from claim 4, and hence, withdrawal of the rejection under 35 U.S.C. § 112, second paragraph, is respectfully requested.

Claims 1-3, 6-8, 11 and 12 are rejected under 35 U.S.C. § 102(e) as being allegedly anticipated U.S. Patent Application Publication No. US 2002/0013646 to Nishizaki et al. ("Nishizaki"). This ground of rejection is respectfully traversed.

Prior to addressing this ground of rejection in detail, Applicant presents a brief summary of the disclosed invention to highlight advantageous characteristics thereof. Exemplary embodiments of the disclosed invention relate to a motor vehicle steering system having a yaw rate controller which continuously detects the vehicle yaw rate, forms a control signal as a function thereof and causes a steering movement that counteracts any undesired yawing motion. As discussed in the present application, German Patent document DE 197 51 227 A1 describes a method and apparatus for operating a motor vehicle steering system in which active steering intervention is switched-on to improve the yaw behavior of a vehicle only when an outside disturbance of the vehicle movement is detected. The German patent document provides one example of such an outside disturbance as micro-split ABS braking. However, yaw rate control is desirable in both braking and nonbraking situations. Additionally, due to the different forces acting on a vehicle in braking and nonbraking situations, it would be desirable to provide different yaw rate control for these different situations.

Accordingly, exemplary embodiments of the disclosed invention form control signals for vehicle yaw rate control, the control signal being formed differently in an unbraked condition than when the vehicle is braked. Additionally, due to the different brake pressures which occur during ABS braking, exemplary embodiments of the disclosed invention can form the control signal differently for controlled braking situations such as ABS braking. In accordance with exemplary embodiments of the disclosed invention, the control signal is formed differently for the different situations discussed above by using different amplification factors. Accordingly, the disclosed invention provides a motor vehicle steering system in which yaw rate control which accounts for various different situations of the vehicle.

Turning now to the rejection of the claimed invention, Nishizaki does not anticipate Applicant's claim 3 because Nishizaki does not disclose all the elements of Applicant's claim 3. For example, Nishizaki does not disclose a motor vehicle steering system wherein "in the event of a controlled braking operation, the control signal is formed by means of at least one amplification factor that differs from an amplification factor that is used in the unbraked driving condition."

Nishizaki discloses a motor vehicle steering system for controlling driving of a steering mechanism of a motor vehicle. As discussed in numbered paragraphs 0049 through 0051 of Nishizaki, to prevent over-control in nonbrake situations, certain control conditions must be satisfied before attitude control is performed. However, these control conditions do not need to be satisfied for attitude control in braking situations. (See numbered paragraph 0063.) When the braking mechanism is actuated and the speed difference is greater than a threshold value, the system of Nishizaki determines which of the wheels has a smaller wheel speed. (Fig. 3 of Nishizaki). Specifically, the steering controller 20 adds a control steering angle to the target steering angle δ^* for turning the front wheels in the direction of the wheel which has the smaller wheel speed by a predetermined steering angle. However, Nishizaki does not disclose forming a control signal using different amplification factors for different driving conditions. Accordingly, Nishizaki does not disclose that "in the event of a controlled braking operation, the control signal is formed by means of at least one amplification factor that differs from an amplification factor that is used in the unbraked driving condition" as recited in Applicant's claim 3.

To reject Applicant's claim 3 the Office Action cites pages 3 and 4, and in particular numbered paragraphs 0046, 0048, 0052, 0054, and 0058 of Nishizaki as anticipating Applicant's claim 3. However, the section cited by the Office Action do not disclose a control signal formed using different amplification factors depending upon different driving conditions, and hence, Nishizaki does not anticipate Applicant's claim 3.

Claim 6 depends from claim 3, and hence, is not anticipated by Nishizaki for at least those reasons stated above with regard to Applicant's claim 3.

Nishizaki does not anticipate Applicant's claim 7 because Nishizaki does not disclose all the elements of Applicant's claim 7. For example, Nishizaki does not disclose "means for calculating a control signal for controlling vehicle steering as a function of said deviation signal, using at least one amplification factor... wherein the at least one amplification factor has a value that varies as a function of whether or not a vehicle braking operation is currently activated."

As discussed above in connection with Applicant's claim 3, Nishizaki does not disclose the use of different amplification factors for different vehicle driving conditions. Accordingly, Nishizaki does not disclose the means for calculating a control signal using at least one amplification factor "wherein the at least one amplification factor has a value that varies as a function of whether or not a vehicle braking operation is currently activated" as recited in Applicant's claim 7. Accordingly, Nishizaki does not anticipate Applicant's claim 7. Claim 8 depends from claim 7, and hence, is not anticipated by Nishizaki for at least those reasons stated above with regard to Applicant's claim 7.

Nishizaki does not anticipate Applicant's claim 11 because Nishizaki does not disclose a method comprising the step of "varying a value of said amplification factor as a function of whether or not a vehicle braking operation is currently activated" as recited in Applicant's claim 11. As discussed above, Nishizaki does not disclose different amplification factors for different vehicle driving conditions, and hence, does not disclose "varying a value of said amplification factor as a function of whether or not a vehicle braking operation is currently activated" as recited in Applicant's claim 11. Hence, Nishizaki does not anticipate Applicant's claim 11. Applicant's claim 12 depends from claim 11, and hence, is not anticipated by Nishizaki or at least those reasons stated above with regard to Applicant's claim 11.

For at least those reasons stated above, it is respectfully requested that the rejection of Applicant's claims 3, 6-8, 11 and 12 as being anticipated by Nishizaki be withdrawn.

Claims 4, 5, 9, 10, 13 and 14 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Nishizaki in view of U.S. Patent No. 5,386,365 to Nagaoka ("Nagaoka"). This ground of rejection is respectfully traversed.

Claims 4, 5, 9, 10, 13 and 14 variously depend from Applicant's claims 3, 7 and 11. As discussed above, Nishizaki does not disclose all of the elements of Applicant's claims 3, 7 and 11. Moreover, it is respectfully submitted that Nishizaki does suggest not all of the elements of Applicant's claims 3, 7 and 11. Additionally, it is respectfully submitted that Nagaoka does not remedy the above-identified deficiencies of Nishizaki with regard to Applicant's claims 3, 7 and 11. Hence, the combination of Nishizaki and Nagaoka cannot render Applicant's claims 3, 7 and 11 obvious. Therefore, the combination of Nishizaki and Nagaoka cannot render Applicant's claims 4, 5, 9, 10, 13 and 14, which variously depend from Applicant's claim 3, 7 and 11, unpatentable. Accordingly, withdrawal of the rejection of these claims is respectfully requested.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #080437.52614US).

Respectfully submitted,

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Attachments

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